REMARKS

Previous claims 1-29 have been cancelled. Claim 68 has been added. Therefore, after entry of the foregoing amendment, claims 39-68 are pending in the current application.

Claim Renumbering

In the Office Action, the Examiner renumbered claims 1-29 to claims 39-67 and cancelled claims 1-29. The present claim amendments reflect this numbering change. According to the Examiner, because of this numbering change, the new claims depend on cancelled claims. Accordingly, Applicants have amended the claims to properly depend on the renumbered pending claims.

Election/Restriction

In the Restriction Requirement, the Examiner required restriction to one of the following inventions: Group I including claims 39-62, drawn to a method of detecting illness based on heart rate variability, classified in class 600, subclass 516 or Group II including claims 63-67, drawn to a method to detect heart rate variability based on the R-R interval, classified in class 600, subclass 516. The Examiner also required Applicants to elect between two species within Group I: One species including dependent claims 48, 49, and 57 drawn to mathematical analysis based on skewness of the data set and a second species including dependent claims 50, 51, and 58 drawn to mathematical analysis based on kurtosis of the data set.

Applicants hereby provisionally elect the claims of Group I including claims 39-62 and the first species within Group I including claims 48, 49, and 57 for further prosecution of this Application. Applicants reserve the right to prosecute claims directed to any non-elected patentably distinct invention, or species, if a generic claim is not found allowable by the Patent Office. Examiner is reminded that upon allowance of a generic claims, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. Applicant is entitled to consideration of

claims to a reasonable number of disclosed species in addition to the elected species provided all the claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.14.

CONCLUSION

The Examiner is invited to contact the undersigned at (202) 220-4258 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,

Dated: 11|26|01

By: *Teresa Lavenue*

Teresa Lavenue
Reg. No. 47,737

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
202-220-4200 (phone)

Claim 40. (Once Amended) The method of claim [1] 39, wherein the illness is infectious.

Claim 41. (Once Amended) The method of claim [2] 40 , wherein antibiotic therapy is initiated and a diagnostic work-up for the illness, comprising obtaining a blood culture from the infant, is provided when the at least one characteristic abnormality is identified.

Claim 42. (Once Amended) The method of claim [2] 40, wherein the illness is necrotizing enterocolitis.

Claim 43. (Once Amended) The method of claim [4] 42, wherein a diagnostic work-up for the illness, comprising an X-ray of the infant or a pathological specimen from the infant, is provided when the at least one characteristic abnormality is identified.

Claim 44. (Once Amended) The method of claim [2] 40 wherein the illness is selected from the group consisting of pneumonia, sepsis, and meningitis.

Claim 45 (Once Amended) The method of claim [1] 68, wherein the [at least one characteristic abnormality is identified from a normalized data set of RR intervals] data set is normalized.

Claim 46. (Once Amended) The method of claim [7] 45, wherein the data set contains on the order of about 10^3 to 10^4 sequential RR intervals.

Claim 47. (Once Amended) The method of claim [7] 45, wherein the at least one characteristic abnormality is identified based on at least one of the third and higher moments of the data set.

Claim 48. (Once Amended) The method of claim [9] 47, wherein the at least one moment of the data set includes the skewness of the data set.

Claim 49. (Once Amended) The method of claim [10] 48, wherein the illness is sepsis or necrotizing enterocolitis.

Claim 50. (Once Amended) The method of claim [9] 47, wherein the at least one moment of the data set includes the kurtosis of the data set.

Claim 51. (Once Amended) The method of claim [12] 50, wherein the illness is sepsis or necrotizing entercolitis.

Claim 52. (Once Amended) The method of claim [7] 45, wherein the at least one characteristic abnormality is identified based on at least one percentile value of the data set.

Claim 53. (Once Amended) The method of claim [14] 52, wherein the at least one percentile value is the 10th percentile value.

Claim 54. (Once Amended) The method of claim [15] 53, wherein the illness is sepsis or necrotizing enterocolitis.

Claim 55. (Once Amended) The method of claim [7] 45, wherein the at least one characteristic abnormality is identified based on the variance, standard deviation or coefficient of variation of the data set.

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Claim 56. (Once Amended) The method of claim [17] 55, wherein the illness is sepsis or necrotizing enterocolitis.

Claim 57. (Once Amended) The method of claim [10] 48, further comprising a diagnostic work-up.

Claim 58. (Once Amended) The method of claim [12] 50, further comprising a diagnostic work-up.

Claim 59. (Once Amended) The method of claim [15] 53, further comprising a diagnostic work-up.

Claim 60. (Once Amended) The method of claim [17] 55, further comprising a diagnostic work-up.

Claim 61. (Once Amended) The method of claim [1] 39, wherein a diagnostic work-up is provided when the at least one characteristic abnormality is identified.

Claim 62. (Once Amended) The method of claim [1] 39, wherein the infant is a neonate.

Claim 64. (Once Amended) The method of claim [25] 63, wherein the moments include the third moment of the data set.

Claim 65. (Once Amended) The method of claim [25] 63, wherein the moments include the fourth moment of the data set.

Claim 66. (Once Amended) The method of claim [25] 63, wherein the percentile values include the 10th data percentile value.

Claim 67. (Once Amended) The method of claim [25] 63, wherein the infant is a neonate.